

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14824 OF 2005

DATED 26th OCTOBER, 2006

BETWEEN

Ompriya Fortified Crystal Water, Tanuku

... Petitioner

and

The District Collector, Eluru, West Godavari District and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.14824 OF 2005

ORDER:

The petitioner is a proprietary concern engaged in manufacturing of packaged drinking water. The present writ petition is filed seeking a writ of Mandamus declaring the action of respondents in directing the petitioner to close the water manufacturing unit at Tanuku on the ground that the petitioner unit does not possess Bureau of Indian Standards (BIS) Certification.

It is the case of the petitioner that manufacturing and selling packaged natural water maintain high standards of purity and that petitioner's products were tested and certified by Director of Preventive Medicine, Narayanaguda, Hyderabad. The Government of India amended Prevention of Food Adulteration Rules, 1956 by adding sub-rule (28) to Rule 49 to the effect that no person shall manufacture, sell or exhibit packaged mineral drinking water except under BIS certification. In view of this, second respondent issued circular instructions on 30.05.2005 directing all subordinates to prevent manufacture of packaged drinking water without BIS Certification. As a result of which, the respondents directed closure of petitioner unit.

This Court while admitting the writ petition passed interim orders directing the respondents not to interfere with lawful business activity carried on by the petitioner. The application for vacating stay has now been filed by respondents 1 and 2. As the matter is covered by the decision of Division Bench of this Court, the matter is being disposed of at the interlocutory stage.

There is no denial that the Division Bench of this Court in **Krishna Foods & Acqua Minerals, Nallajerla, W.G.District v Government of India, Department of Health** ^[1] considered similar matters and upheld the amendment. Therefore, unless and until the petitioner obtains BIS Certification from the appropriate authorities, the action of the respondents in directing the petitioner to close down its unit cannot be faulted.

The writ petition is misconceived and is accordingly dismissed. No costs.

(V.V.S.RAO,J)

26.10.2006.

pln

[\[1\]](#) 2004 (6) ALD 338 (DB)